

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-11 are allowed in view of amendments and Applicant's arguments (pages V!! of Appeal Brief filed 03/05/07) and BPAI Decision filed 06/21/2011. Particularly, the prior art of record fails to disclose or fairly suggest a system or method for distributing content where "....sending a private data packet in addition to the broadcast video from the service provider, over the network and through the broadband digital terminal to the set top box, the packet containing application interface information for the service provider and containing the service provider address; and establishing an impulse pay-per-view communication path from the set top box through the broadband digital terminal and over the network to the service provider based upon the address to allow interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.", as recited in combination with other features with respect to independent claim 1; and "...a set top box receiving the packet from the broadband digital terminal, and cooperating with the broadband digital terminal and the broadcast source to establish an impulse pay-per-view data path extending from the set top box to the broadband digital terminal, and over the private virtual channel to the broadcast source at the destination address, the data path allowing application interface information to be communicated in real-time between the set top box and the broadcast source" as recited in combination with other features as to independent claim 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyer (2001/0049720) discloses standard method of access to multimedia provider portal

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **ANNAN SHANG whose telephone number is (571)272-7355. The examiner can normally be reached on 7:00am-4:00pm.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

/Annan Q Shang/  
Primary Examiner, Art Unit 2424

**Annan Q. Shang**